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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA,)	No. 4-08-70461 WDB
)	
15 Plaintiff,)	STIPULATION AND ORDER
)	REGARDING WAIVER OF TIME
16 vs.)	PROVISIONS OF RULE 5.1 AND 18 U.S.C.
)	§ 3161(b) AND SETTING DATE FOR
17 JOSE ANTONIO AGUILAR ESQUIVEL,)	STATUS HEARING
)	
18 Defendant.)	
_____)	

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20 IT IS HEREBY STIPULATED between the plaintiff through its attorney, Joshua Hill,
21 and the defendant through his attorney, Mike McDonnell, that the next hearing on the status of
22 this matter shall be set for January 7, 2009 at 10:00 a.m. The matter is currently set for a status
23 conference on December 10, 2008. Defendant and his counsel continue to waive the provisions
24 of Rule 5.1(c) of the Federal Rules of Criminal Procedure requiring a preliminary hearing to be
25 held within 10 days of his initial appearance and 18 U.S.C. § 3161(b) requiring an indictment to
26 be filed within thirty days from the date of arrest. The United States and defendant continue to

1 discuss the possible resolution of this matter, which may also include resolution of charges
2 currently pending in the Eastern District of Washington. Defendant's waiver is based on the
3 need for continuity of counsel and reasonable time necessary for effective preparation. The
4 defense agrees that the waiver covers all time between December 10, 2008 and January 7, 2009

5 IT IS SO STIPULATED:

6 Dated: December 9, 2008

/s/ Mike McDonnell
MIKE McDONNELL
Attorney for Defendant

9 Dated: December 9, 2008

/s/ Joshua Hill
JOSHUA HILL
Assistant United States Attorney

12 **ORDER**

13 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that time limits under
14 Rule 5.1(c) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(b) are waived, and
15 the parties shall appear for a status hearing in this matter on January 7, 2009 at 10:00 a.m.

17 Dated: December 10, 2008

Wayne D. Brazil
HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge